

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

FERNANDO GASTELUM,  
Plaintiff,

v.

HIE RIVER PARK LLC dba Holiday Inn  
Express Fresno Riverpark,  
Defendant.

Case No. 1:23-cv-00472-JLT-SKO

**ORDER TO SHOW CAUSE WHY THE  
ACTION SHOULD NOT BE  
RECOMMENDED FOR DISMISSAL  
AND VACATING SCHEDULING  
CONFERENCE**

(Doc. 21)

**TWENTY-ONE DAY DEADLINE**

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed the complaint in this action on March 28, 2023. (Docs. 1, 2, 3, & 4.)

On September 10, 2024, the Court issued an order directing Plaintiff to file a status report indicating whether they contend to continue to prosecute this case by no later than December 10, 2024. (Doc. 21.) To date, Plaintiff has not filed a status report or requested an extension of time within which to do so.

The Local Rules of the United States District Court for the Eastern District of California, corresponding with Rule 11 of the Federal Rules of Civil Procedure, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” E.D. Cal. L.R. 110. “District courts have inherent power to control their dockets,” and in exercising that power, a court may impose sanctions, including dismissal of an action. *Thompson v. Housing Authority of Los*

1 *Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's failure  
2 to prosecute an action or to obey a court order. *See, e.g., Malone v. U.S. Postal Service*, 833 F.2d  
3 128, 130 (9th Cir. 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*,  
4 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure to prosecute).

5 **Accordingly, Plaintiff is ORDERED to show cause, within twenty-one (21) days of the**  
6 **date of service of this Order, why a recommendation should not issue for this action to be**  
7 **dismissed for Plaintiff's failure comply with the Court's order and for failure to prosecute his**  
8 **case.** Alternatively, within that same period, Plaintiff may file a notice of voluntary dismissal. The  
9 Court further CAUTIONS Plaintiff that, if he fails to act within twenty-one (21) days of the date of  
10 service of this order, the Court will recommend to the presiding district court judge that this action  
11 be dismissed, in its entirety.

12 In view of the foregoing, **the Scheduling Conference set for December 17, 2024, is**  
13 **VACATED, to be reset, if appropriate, on a later date.**

14 The Court DIRECTS the Clerk to send a copy of this Order to Plaintiff at his address listed  
15 on the docket for this matter.

16  
17 IT IS SO ORDERED.

18 Dated: **December 11, 2024**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE